



MEMO ENDORSED

U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

April 3, 2023

USDC SDNY  
DOCUMENT ELECTRONICALLY  
FILED  
DOC#:  
DATE FILED: 4-4-23

**BY ECF**

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: United States v. Jose Luis Tejada Aybar, S1 21 Cr. 599 (ALC)**

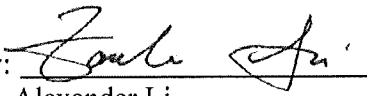
Dear Judge Carter:

The Government writes, with the consent of defendant Jose Luis Tejada Aybar, to request that the defendant's sentencing presently scheduled for April 18, 2023 at noon be adjourned to the week of May 15 or thereafter. An adjournment will permit the parties to prepare their sentencing submissions with the benefit of the final Presentence Investigation Report ("PSR"), which was filed on March 31. (Dkt. 88).

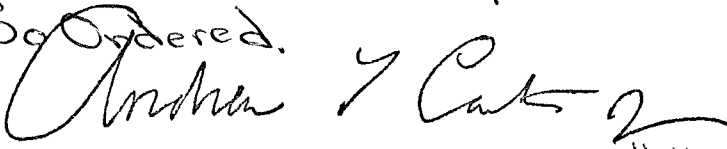
The parties anticipate that there will be disagreement as to whether the death-resulting enhancement, U.S.S.G. § 2D1.1(a)(1), should apply. To present the issue to the Court, the parties jointly propose that the defense file its sentencing submission by April 24 and that the Government file its sentencing submission by May 1. Should the Court then determine that further briefing or a *Fatico* hearing would assist the Court, the parties are prepared to proceed as directed.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

By:   
Alexander Li  
Assistant United States Attorney  
(212) 637-2265

cc: John Russo, Esq. (by ECF)

The application is granted. The sentencing is  
adjourned to May 23, 2023 at 2 p.m.  
So Ordered.  
  
4-4-23